IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1770 OF 2006

Ariane Orgachem Private Ltd.,
and Anr. ...Petitioners.
Versus
Bank of India ...Respondent.

....

Mr.A.Y.Bookwale, Sr.Counsel i/b. Mahimtura & Co. for the Petitioners.
Mr.Virag V. Tulzapurkar, Sr.Counsel with Ms.Swati Deshpande i/b M.S. Bodhanwale & Co. Advocates for the Respondent.

....

CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **JULY 17, 2006.**

P.C.:

1. The grievance of the petitioners is that though their bid was higher it was rejected on the ground that the bankers cheque was not in the name of a nationalised bank. On behalf of the Respondent learned counsel points out that the requirement of tender notice was that the bankers cheque should be of a nationalised bank. As the petitioners and two others were also given banker cheques of non-nationalised banks their bids were also rejected. The amounts received by the Respondent, it is submitted, fully satisfies the

decreetal amount alongwith the interest, which the Respondent was entitled to.

2. At the hearing of the Petition, on behalf of the petitioners their learned counsel points out to us another clause in the notice which reads as under :-

> "The assignment is subject to confirmation by the Hon’ble Tribunal or the appropriate Court as required in law."

3. If that being the case, it is always open to the petitioners, if advised, to move the Tribunal on whatever ground they are entitled to. At any rate this is not a case for us to exercise our extra ordinary jurisdiction, to interfere at this stage.

4. With the above observations, Petition stands disposed of.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]